



**AUSTIN CITY COUNCIL  
MINUTES**

**REGULAR MEETING  
THURSDAY, FEBRUARY 12, 2009**

**Invocation:** Pastor AJ Quinton, Diakonos Ministries

The following represents the actions taken by the Austin City Council in the order they occurred during the meeting. While the minutes are not in sequential order, all agenda items were discussed. The City Council of Austin, Texas, convened in a regular meeting on Thursday, February 12, 2009 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

Mayor Wynn called the Council Meeting to order at 10:24 a.m.

Mayor Wynn asked Council Members to report on upcoming agenda items; however, none were mentioned.

**CONSENT AGENDA**

The following items were acted on by one motion. No separate action occurred on any of the items.

1. Approve the minutes of the Austin City Council January 29, 2009 Regular meeting.  
The minutes from the meeting of January 29, 2009 were approved on consent on Council Member Martinez' motion, Council Member Shade's second on a 7-0 vote.
2. Approve issuance of a rebate to TPG Four Points, LC, also known as Four Points Centre Buildings I and II, for the installation of energy efficient equipment including chillers, lighting design, variable frequency drives and a reflective roof membrane at the newly built site at 11305 Four Points Drive, Austin, Texas, in an amount not to exceed \$60,496.71. Funding is available in the Fiscal Year 2008-2009 Operating Budget of Austin Energy in the Conservation Rebates and Incentives Fund. Recommended by the Resource Management Commission.  
The motion for the issuance of a rebate was approved on consent on Council Member Martinez' motion, Council Member Shade's second on a 7-0 vote.

Item 3 was pulled for discussion.

4. Authorize payment of an amount not to exceed \$60,000 to Iron Rock Motorsports, Inc., for early termination of their lease with the City for a tract of land and a building at Austin-Bergstrom International Airport. Funding is available in the Fiscal Year 2008-2009 Capital Budget of the Aviation Department. Recommended by the Austin Airport Advisory Commission.  
The motion authorizing payment of an amount not to exceed \$60,000 to Iron Rock Motorsports, Inc. was approved on consent on Council Member Martinez' motion, Council Member Shade's second on a 7-0 vote.

5. Authorize the fee simple acquisition of Lot 10, Block 2, Bergstrom Downs No. 1, locally known as 805 Patton Avenue, from Rebecca R. Perez aka Rebecca Perez Sanchez aka Rebecca Renee Perez for the Airport Noise Mitigation Program, in the amount of \$108,000 for the land and improvements and \$41,900 relocation benefits, plus closing costs and moving related expenses in the amount of \$10,000, for an amount not to exceed \$159,900. Funding in the amount of \$159,900 is available in Fiscal Year 2008-2009 Capital Budget of the Department of Aviation using airport funds and available Federal Aviation Administration (FAA) Grants.  
**The motion authorizing the fee simple acquisition of Lot 10, Block 2, Bergstrom Downs number 1 was approved on consent on Council Member Martinez' motion, Council Member Shade's second on a 7-0 vote.**
6. Authorize execution of a construction contract with MUNIZ CONCRETE AND CONTRACTING, INC., (MBE/MH- 80.00%), Austin, Texas for the Lance Armstrong Bikeway - 4th Street between Red River to IH-35 project in the amount of \$458,604.22 plus \$45,860.42 contingency, for a total contract amount not to exceed \$504,464.64. Funding in the amount of \$504,464.64 is available in the Fiscal Year 2008-2009 Capital Budget of the Public Works Department. Lowest bid of eight (8) bids received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 6.09% MBE and 4.38% WBE subcontractor participation.  
**The motion authorizing the execution of a construction contract with Muniz Concrete and Contracting, Inc., was approved on consent on Council Member Martinez' motion, Council Member Shade's second on a 7-0 vote.**
7. Approve an ordinance amending Ordinance No 20070215-003 relating to the Business Retention and Enhancement Program, an economic development program for Congress Avenue and East 6th Street, to extend the program, and to amend the program guidelines.  
**Ordinance 20090212-007 was approved on consent on Council Member Martinez' motion, Council Member Shade's second on a 7-0 vote.**

Items 8 and 9 were pulled for discussion.

10. Authorize the negotiation and execution of an amendment to the legal services agreement with Richards, Rodriguez & Skeith, Attorneys at Law, for legal services related to annexation of the Peninsula area in the amount of \$9,500, for a total contract amount not to exceed \$84,700. Funding is available in the Fiscal Year 2008-2009 Operating Budget of the Neighborhood Planning and Zoning Department.  
**The motion authorizing the negotiation and execution of an amendment to the legal services agreement with Richards, Rodriguez & Skeith was approved on consent on Council Member Martinez' motion, Council Member Shade's second on a 7-0 vote.**
11. Approve payment of membership fees to the Austin-San Antonio Corridor Council, in an amount not to exceed \$50,000. Funding is available in the Fiscal Year 2008-2009 Operating Budget of the Neighborhood Planning and Zoning Department.  
**The motion approving payment of membership fees to the Austin-San Antonio Corridor Council was approved on consent on Council Member Martinez' motion, Council Member Shade's second on a 7-0 vote.**
12. Authorize award and execution of a 24-month requirements service contract with SCHINDLER ELEVATOR CORPORATION, San Antonio, TX for escalator repair and preventive maintenance services in an estimated amount not to exceed \$694,240, with two 24-month extension options in an estimated amount not to exceed \$694,240 per extension option, for a total estimated contract amount not to exceed \$2,082,720. Funding in the amount of \$231,413 is available in the Fiscal Year 2008-2009

Operating Budget of the Aviation Department. Funding for the remaining 16 months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bid of two bids received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Recommended by the Austin Airport Advisory Commission.

**The motion authorizing the award and execution of a requirements service contract with Schindler Elevator Corporation was approved on consent on Council Member Martinez' motion, Council Member Shade's second on a 7-0 vote.**

13. Authorize award and execution of a contract with SICO AMERICA, INC., St. Louis, MO, for the purchase of a mobile fold and roll stage for the Austin Convention Center Department in an amount not to exceed \$103,147. Funding is available in the Fiscal Year 2008-2009 Operating Budget of the Austin Convention Center Department. Sole bid received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Woman Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

**The motion authorizing the award and execution of a contract with Sico America, Inc. was approved on consent on Council Member Martinez' motion, Council Member Shade's second on a 7-0 vote.**

14. Authorize award and execution of a contract through the TEXAS MULTIPLE AWARD SCHEDULE (TXMAS) with W.W. GRAINGER, INC., Austin, TX for the purchase of a Rotomac 340 escalator cleaner in an amount not to exceed \$68,885. Funding is available in the Fiscal Year 2008-2009 Operating Budget of the Austin Convention Center. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). This contract is a Cooperative Purchase; therefore, it is exempted under Chapter 791 of the Texas Local Government Code and no goals were established for this solicitation.

**The motion authorizing the award and execution of a contract through the Texas Multiple Award Schedule (TXMAS) with W.W. Grainger, Inc., was approved on consent on Council Member Martinez' motion, Council Member Shade's second on a 7-0 vote.**

15. Authorize award, negotiation, and execution of a contract with APERTURE, Dallas, TX for the purchase and installation of Capacity Management Software in an amount not to exceed \$125,968. Funding is available in the Fiscal Year 2008-2009 Capital Budget of Austin Energy. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

**The motion authorizing the award, negotiation and execution of a contract with Aperture was approved on consent on Council Member Martinez' motion, Council Member Shade's second on a 7-0 vote.**

**Item 16 was pulled for discussion.**

17. Authorize award and execution of three 12-month requirements supply contracts for the purchase of 138kV center break airswitches with ROYAL SWITCHGEAR, Richmond, TX in an estimated amount not to exceed \$169,875, with three 12-month extension options in an estimated amount not to exceed \$169,875 per extension option, for a total estimated contract amount not to exceed \$679,500; SOUTHERN STATES, INC., Hampton, GA in an estimated amount not to exceed \$220,550, with three 12-month extension options in an estimated amount not to exceed \$220,550 per extension option, for a total estimated contract amount not to exceed \$882,200; and, TECHLINE, Austin, TX in an estimated

amount not to exceed \$392,100, with three 12-month extension options in an amount not to exceed \$392,100 per extension option, for a total estimated contract amount not to exceed \$1,568,400. Funding in the amount of \$146,915 is available in the Fiscal Year 2008-2009 Operating Budget of Austin Energy. Funding in the amount of \$377,782 is available in the Fiscal Year 2008-2009 Capital Budget of Austin Energy. Funding for the remaining four months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bids meeting specification of six bids received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

**The motion authorizing the award and execution of three requirements supply contracts with Royal Switchgear, Southern States, Inc. and Techline was approved on consent on Council Member Martinez' motion, Council Member Shade's second on a 7-0 vote.**

18. Approve ratification of Amendment No. 10 to the 12-month requirements service contract with TRANS CANADA TURBINES, Calgary, Alberta, Canada; WOOD GROUP/PRATT WHITNEY, Windsor Locks, CT; and GE PACKAGED POWER, INC., Houston, TX for the repair of gas turbines to increase the current amount of the contract in an estimated amount not to exceed \$2,000,000, for a revised estimated contract amount not to exceed \$11,749,000. Funding is available in the Fiscal Year 2008-2009 Operating Budget of Austin Energy. Critical Business Need. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

**The motion for ratification of amendment number 10 to the requirements service contract with Trans Canada Turbines, Wood Group/Pratt Whitney, and GE Packaged Power, Inc. was approved on consent on Council Member Martinez' motion, Council Member Shade's second on a 7-0 vote.**

19. Authorize award and execution of a 24-month requirements service contract with AMERICAN EUROCOPTER, LLC, Grand Prairie, TX for maintenance and inspection services and parts for the Austin Police Department's EC120 helicopter in an estimated amount not to exceed \$273,494, with two 12-month extension options in an estimated amount not to exceed \$136,747 per extension option, for a total estimated contract amount not to exceed \$546,988. Funding in the amount of \$91,165 is available in the Fiscal Year 2008-2009 Operating Budget of the Austin Police Department. Funding for the remaining 16 months of the original contract period and extension options is contingent upon available funding in future budgets. Sole bid received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

**The motion authorizing the award and execution of a requirements service contract with American Eurocopter, LLC was approved on consent on Council Member Martinez' motion, Council Member Shade's second on a 7-0 vote.**

20. Approve ratification of a 12-month professional services contract with SKILLPOINT ALLIANCE, Austin, TX for the continuation of the Community Technology and Training Center Program for the Economic Growth and Redevelopment Services Department in an amount not to exceed \$287,833. Funding in the amount of \$287,833 is available in the Fiscal Year 2008-2009 Sustainability Fund of the Finance and Administrative Services Department. This contract was awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). This is Professional Services contract; therefore it is exempted under Chapter 252.022 of the Texas Local Government Code and no goals were established for this solicitation.

**The motion to approve ratification of a professional services contract with Skillpoint Alliance was approved on consent on Council Member Martinez' motion, Council Member Shade's second on a 7-0 vote.**

21. Authorize award and execution of a 36-month requirements supply contract with McCain Inc., Vista, CA for the purchase of Model 2070L Traffic Signal Controllers in an estimated amount not to exceed \$331,305, with three 12-month extension options in an estimated amount not to exceed \$110,435 for each extension option, for a total estimated contract amount not to exceed \$662,610. Funding in the amount of \$73,624 is available in the Fiscal Year 2008-2009 Operating Budget of the Public Works Department. Funding for the remaining 28 months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bid of four bids received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

The motion authorizing the award and execution of a requirements supply contract with McCain Inc. was approved on consent on Council Member Martinez’ motion, Council Member Shade’s second on a 7-0 vote.

22. Approve an ordinance authorizing the delivery to the City of an Alternate Letter of Credit for the \$28,000,000 Airport System Variable Rate Revenue Notes, Series A; authorizing the City Manager to negotiate, execute, and deliver a Letter of Credit Reimbursement Agreement with State Street Bank related to the Alternate Letter of Credit; and approving a Remarketing Memorandum. The \$490,000 annual fee is included in the approved operating budget of the Airport Fund.

Ordinance 20090212-022 was approved on consent on Council Member Martinez’ motion, Council Member Shade’s second on a 7-0 vote.

23. Approve appointments to citizen board and commissions, to Council subcommittees and other intergovernmental bodies and removal and replacement of members.

The following appointments were approved on consent on Council Member Martinez’ motion, Council Member Shade’s second on a 7-0 vote:

**Board**

**Nominated By:**

Austin Community Education Consortium

Sarah Stone

Mayor Wynn

Environmental Board

David Bezanson

Mayor Wynn

Renaissance Market Commission

Monica Kidd

Council Member Morrison

Sustainable Food Policy Board

Ronda Rutledge

Council Member Martinez

24. Approve a resolution directing the City Manager to implement a process related to city submittals for federal funding. (Council Member Mike Martinez Council Member Lee Leffingwell )

This item was withdrawn on consent on Council Member Martinez’ motion, Council Member Shade’s second on a 7-0 vote.

25. Approve a resolution directing the City Manager to process amendments to Title 25 of the City Code to implement certain recommendations of the Waterfront Overlay Task Force. (Council Member Mike Martinez Council Member Lee Leffingwell Council Member Laura Morrison)

Resolution 20090212-025 was approved on consent on Council Member Martinez' motion, Council Member Shade's second on a 7-0 vote. Direction was given to staff to expedite the creation of the advisory board to begin deliberations on the density bonus program. Council indicated their desire to maintain discretion in the appeal process for the Waterfront Overlay.

26. Approve a resolution establishing the Families and Children Planning and Advisory Group and directing the city manager to provide staff support and feedback in the development of family-friendly policies and programs. (Council Member Laura Morrison Council Member Sheryl Cole)  
**This item was withdrawn on consent on Council Member Martinez' motion, Council Member Shade's second on a 7-0 vote.**
27. Approve a resolution appointing an acting city auditor and setting compensation and benefits. (Council Member Sheryl Cole Council Member Mike Martinez Council Member Randi Shade)  
**Resolution 20090212-027 was approved on consent on Council Member Martinez' motion, Council Member Shade's second on a 7-0 vote.**
28. Approve the waiver of EMS standby and set-up fees in an amount not to exceed \$437.50 for the Austin Marathon Kids Final Mile Celebration to be held on February 21, 2009 at the Austin Independent School District's Tony Burger Stadium, located at 3200 Jones Road. (Mayor Will Wynn Council Member Mike Martinez)  
**The motion authorizing the waiver of EMS standby and set-up fees was approved on consent on Council Member Martinez' motion, Council Member Shade's second on a 7-0 vote.**
29. Approve waiver of certain fees for the March of Dimes March for Babies Event, to be held on Saturday, May 9, 2009. (Mayor Pro Tem Brewster McCracken Council Member Mike Martinez Council Member Lee Leffingwell)  
**The motion authorizing the waiver of certain fees for the March of Dimes March for Babies Event was approved on consent on Council Member Martinez' motion, Council Member Shade's second on a 7-0 vote.**
30. Set public hearings for the full purpose annexation of the following annexation areas: (1) South IH 35 Annexation Area (Approximately 58 acres in southern Travis County east of IH 35 approximately one half mile south of the intersection of IH 35 and Onion Creek Parkway); (2) International Residence Apartments Annexation Area (Approximately 4 acres in southern Williamson County at the northeast corner of the intersection of Copper Creek Drive and Pond Woods Road); and (3) Barclay Drive ROW Annexation Area (Approximately 0.10 acre in Travis County at the northernmost extent of Barclay Drive which is approximately 400 feet north of the intersection of Barclay Drive and Wild Briar Pass). (Suggested dates and times: February 26, 2009 at 6:00 p.m., and March 5, 2009, 6:00 p.m. at City Hall, 301 W. Second Street, Austin, TX.)  
**The public hearings were set for February 26 and March 5, 2009 at 6:00 p.m., City Hall at 301 W. Second Street, Austin, TX on consent on Council Member Martinez' motion, Council Member Shade's second on a 7-0 vote.**
31. Set a public hearing to consider a request by MARTEX-BBQ (Doug Marcella), the owner of property located at 9207 North Lamar Boulevard, for a waiver from the distance requirement of City Code Section 4-9-4(A) which requires a minimum of 300 feet between a business that sells alcoholic beverages and a public school. (Suggested date and time: February 26, 2009, 6:00 p.m. at Austin City Hall, 301 W. Second St., Austin, TX.)  
**The public hearing was set for February 26, 2009 at 6:00 p.m., Austin City Hall at 301 W. Second St., Austin, TX on consent on Council Member Martinez' motion, Council Member Shade's second on a 7-0 vote.**

- 32. Set a public hearing to consider amendments to the Land Development Code, Chapter 25-10, to allow sidewalk signs in commercial areas of the City. (Suggested date and time: February 26, 2009, 6:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX.) To be reviewed by the Planning Commission on February 24, 2009.

**The public hearing was set for February 26, 2009 at 6:00 p.m., Austin City Hall at 301 W. Second Street, Austin, TX on consent on Council Member Martinez’ motion, Council Member Shade’s second on a 7-0 vote.**

Items 33 through 37 were Executive Session items.

Items 38 through 40 were briefing items set for 2:00 p.m.

Items 41 through 69 were zoning items set for 4:00 p.m.

Items 70 through 73 were public hearing items set for 6:00 p.m.

**DISCUSSION ITEMS**

- 8. Approve a resolution adopting the City's Federal Legislative Program including Fiscal Year 2010 appropriations requests.

**Resolution 20090212-008 was approved on consent on Council Member Cole’s motion, Mayor Pro Tem McCracken’s second on a 6-0 vote. Council Member Shade was off the dais.**

- 9. Approve an ordinance amending the City Code to add a new Chapter 10-8 related to the intentional feeding of deer, creating an offense and establishing a penalty. To be reviewed by the Public Health and Human Services Subcommittee on February 11, 2009. Recommended by the Public Health and Human Services Subcommittee.

**Ordinance 20090212-009 was approved on Council Member Shade’s motion, Mayor Pro Tem McCracken’s second on a 6-0 vote. Council Member Cole was off the dais.**

- 3. Authorize the City Manager to issue notice declining participation in the proposed project to license, construct, and operate additional reactor units at the South Texas Project. Recommended by the Electric Utility Commission.

**The motion authorizing the City Manager to issue notice declining participation in the proposed South Texas project was approved on Council Member Martinez’ motion, Council Member Leffingwell’s second on a 6-0 vote. Council Member Cole was off the dais.**

**CITIZEN COMMUNICATION: GENERAL**

Paul Robbins - City Issues. His time was deferred to item No. 16.

Rae Nadler-Olenick - Water Fluoridation

Pat Valls-Trelles - animal issues

Matt Marcelissen - Downtown late night concrete pouring

Linda Greene - Getting fluoride out of the water, starting the Mayor's neighborhood garden project

Pat Johnson - City Issues

Alan Roddy - Lake Austin Protection

Ronnie Gjemre - Generally peace and freedom

Gus Pena - 1.To Discuss City Issues 2. Taxpayers concerned about the raise in crime 3. Please continue to fully fund Senior Citizen and Youth programs 4. Military Veterans need jobs, housing, re-entry programs, and mental health treatment 5. Please increase funding for social service agencies. The need increases with the downfall of the economy and the recession.

Phillip A. Dick - Unfair justice, Injustice, illegal proceedings and processes. She was not present when her name was called.

Mayor Wynn recessed the Council Meeting to go into Executive Session at 1:07 p.m.

**EXECUTIVE SESSION**

The City Council went into Executive Session, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel, to discuss matters of land acquisition, litigation, and personnel matters as specifically listed on this agenda and to receive advice from Legal Counsel regarding any other item on this agenda.

- 33. Discuss legal issues related to property located at 328 Heartwood, concerning: appeal of site plan disapproval; pending code enforcement action; permitting issues; and a floodplain variance request.(Private Consultation with Attorney - Section 551.071). Related to Items #72 & 73.
- 34. Discuss legal issues regarding the purchase, exchange, lease or value of real property locally known as the Lions Municipal Golf Course, generally located at the intersection of Lake Austin Boulevard and Enfield Road. (Private Consultation with Attorney - Section 551.071). Related to Item #35.
- 35. Deliberate the purchase, exchange, lease or value of real property locally known as the Lions Municipal Golf Course, generally located at the intersection of Lake Austin Boulevard and Enfield Road. (Real Property - Section 551.072). Related to Items #34.
- 36. Discuss legal issues related to transition of Community Care Services Department employees to the Travis County Healthcare District. (Private Consultation with Attorney - Section 551.071).
- 37. Discuss legal issues related to In the Matter of the Application of Hays County Water Control and Improvement District No. 1 for Amendment to Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0014293001, Before the State Office of Administrative Hearings, SOAH Docket No. 582-08-0202, TCEQ Docket No. 2007-1426-MWD (concerns permit for direct discharge of waste water into Bear Creek) (Belterra). (Private Consultation with Attorney - Section 551.071).

Executive Session ended and Mayor Wynn called the Council Meeting back to order at 3:31 p.m.

**DISCUSSION ITEMS CONTINUED**

- 16. Authorize award, negotiation, and execution of a contract with GEMINI SOLAR DEVELOPMENT COMPANY, LLC, San Francisco, CA, to purchase up to 30 megawatts of solar-generated power over a 25-year term at an estimated annual amount of \$10,000,000, for an estimated total contract amount of \$250,000,000. Funding will be provided through the Electric Fuel Charge revenue or future Green Choice

revenue. Best evaluated proposal of 15 proposals received. Gemini has agreed to provisions of the Third Party MBE/WBE Subcontracting agreements. SMBR will work with Gemini on expenditures related to this project.

This item was postponed to March 5, 2009 on Council Member Martinez' motion, Mayor Wynn's second on a 7-0 vote. Staff was directed to include large utility users in further discussions and to provide a proposal to Council that includes some of the ideas shared today to reduce cost and impact.

**BRIEFINGS**

- 38. Briefing on the proposed Boardwalk Trail at Lady Bird Lake  
This presentation was made by Stuart Strong, Assistant Director, Parks and Recreation Department; David Taylor, Project Manager, Public Works Department; and Susan Rankin, The Trail Foundation.
  
- 40. Briefing on administrative and management review of East 11th & 12th redevelopment efforts  
This presentation was made by Anthony Snipes, Chief of Staff; Michael McDonald, Assistant City Manager; and Margaret Shaw, Deputy Director Housing and Community Development. Staff was directed to have accurate appraisal numbers for properties in the 11<sup>th</sup> and 12<sup>th</sup> Street redevelopment when the item is brought back for Council approval.

Mayor Wynn recessed the Council Meeting at 5:42 p.m.

**LIVE MUSIC**

Dan Dyer

**PROCLAMATIONS**

Mayor Wynn called the Council Meeting back to order at 6:44 p.m.

**ZONING CONSENT ITEMS**

The following zoning items were acted on by one motion. No separate action occurred on any of the items.

- 41. C14-03-0116.01 - Met Center II PDA Amendment - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 6800 Burleson Road (Carson Creek and Onion Creek Watersheds) from limited industrial service-planned development area-neighborhood plan (LI-PDA-NP) combining district zoning to limited industrial service-planned development area-neighborhood plan (LI-PDA-NP) combining district zoning to change a condition of zoning. First reading approved on January 15, 2009. Vote: 6-0 (McCracken off the dais.) Applicant: Met Center Partners-8, Ltd. and Met Center NYCTEX Phase II, Ltd. (Howard Yancy). Agent: Thrower Design (Ron Thrower). City Staff: Wendy Rhoades, 974-7719.  
Ordinance No. 20090212-041 for limited industrial service-planned development area-neighborhood plan (LI-PDA-NP) combining district zoning to change a condition of zoning was approved on consent on Council Member Leffingwell's motion, Council Member Shade's second on a 6-0 vote. Council Member Cole was off the dais.
  
- 42. NP-2008-0025(Part) - Oak Hill Combined Neighborhood Plan - Approve second/third readings of ordinance amending the Austin Tomorrow Comprehensive Plan by adopting land use designation for Tract AG of the Oak Hill Combined Neighborhood Plan. Tract AG is located at 4808 William Cannon

Drive within a planning area generally bounded by Southwest Parkway to the north, Barton Creek Greenbelt to the east, FM 1826, Davis Lane, Clairmont Drive, Abilene Trail, Convict Hill Rd, and Loop 1 to the south, and Thomas Springs Road, Circle Drive and West View Road to the west on the Future Land Use Map. The watersheds are Williamson Creek, Slaughter Creek, and Barton Creek - Barton Springs Zone Watershed. First reading was approved on October 23, 2008: Vote: 5-1 (Morrison voted Nay; Martinez off the dais.). City Staff: Maureen Meredith, 974-2695; Minal Bhakta, Department; 974-6453 and Gregory Montes, 974-2629.

**This item was postponed to February 26, 2009, at the owner's request, on consent, on Council Member Leffingwell's motion, Council Member Shade's second on a 6-0 vote. Council Member Cole was off the dais.**

43. C14-2008-0115 - William Cannon - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4808 West William Cannon Drive (Williamson Creek Watershed - Barton Springs Zone) from single-family residence-standard lot (SF-2) district zoning to neighborhood commercial-mixed use-conditional overlay-neighborhood plan (LR-MU-CO-NP) combining district zoning with conditions. At First reading on October 23, 2008, City Council approved LO-MU-CO-NP combining district zoning with conditions. Vote: 5-1 (Morrison voted nay; Martinez off the dais.) Applicant: Marcus Whitfield & Eskew Place, Ltd. (Gail and Marcus Whitfield). Agent: McClean & Howard, L.L.P. (Jeffrey Howard). City Staff: Wendy Rhoades, 974-7719. A valid petition has been filed in opposition to this rezoning request.

**This item was postponed to February 26, 2009, at the owner's request, on consent, on Council Member Leffingwell's motion, Council Member Shade's second on a 6-0 vote. Council Member Cole was off the dais.**

44. C14-2007-0232 - Rundberg Business Park - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 320 E. Rundberg Lane (Little Walnut Creek Watershed) from multi-family residence-medium density (MF-3) district zoning, limited office (LO) district zoning, and community commercial (GR) district zoning for Tract 1; and multi-family residence-medium density (MF-3) district zoning, limited office (LO) district zoning, and community commercial (GR) district zoning for Tract 2 to warehouse-limited office-conditional overlay (W/LO-CO) combining district zoning for Tract 1, and general commercial services-conditional overlay (CS-CO) combining district zoning for Tract 2. First reading approved on August 28, 2008. Vote: 7-0. Applicant: Rundberg Business Park (John Dimeblid). Agent: Thrower Design (Ron Thrower). City Staff: Wendy Rhoades, 974-7719.

**This item was postponed to April 2, 2009, at the applicant's request, on consent, on Council Member Leffingwell's motion, Council Member Shade's second on a 6-0 vote. Council Member Cole was off the dais.**

45. C14-2008-0128 - 5005 Spicewood Springs Road - Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 5005 Spicewood Springs Road (Bull Creek Watershed) from single-family residence-standard lot (SF-2) district zoning to townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning. First reading approved on September 25, 2008. Vote: 7-0. Second reading approved on October 16, 2008. Vote: 7-0. Applicant: Morin Scott. Agent: Wiler & Associates (Holland Wiler). City Staff: Clark Patterson, 974-7691.

**Ordinance No. 20090212-045 for townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning was approved on consent on Council Member Leffingwell's motion, Council Member Shade's second on a 6-0 vote. Council Member Cole was off the dais.**

46. C14-2007-0144 - 800 West Avenue - Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 800 West Avenue (Shoal Creek Watershed)

from general office (GO) district zoning and limited office (LO) district zoning to downtown mixed use-conditional overlay (DMU-CO) combining district zoning. First reading approved on November 29, 2007. Vote: 7-0. Second reading approved on August 18, 2008. Vote: 5-1 (Morrison voted Nay; Shade off the dais). Applicant: Joseph T. Wells. Agent: Armbrust and Brown (Lynn Ann Carley.) City Staff: Robert Heil, 974-2330. A valid petition has been filed in opposition to this rezoning request.

**This item was postponed to March 5, 2009, at the petitioner's request, on consent, on Council Member Leffingwell's motion, Council Member Shade's second on a 6-0 vote. Council Member Cole was off the dais.**

47. C14-2008-0227 - Live Oak Brewing Co. - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 1615 Crozier Lane (Colorado River Watershed) from interim-rural residence (I-RR) district zoning to limited industrial service-conditional overlay (LI-CO) combining district zoning with conditions. First reading approved on January 15, 2009. Vote: 6-0 (Martinez off the dais). Applicant and Agent: Live Oak Brewing Co. (Hoyt E. McElroy). City Staff: Stephen Rye, 974-7604.  
**Ordinance No. 20090212-047 for limited industrial service-conditional overlay (LI-CO) combining district zoning with conditions was approved on consent on Council Member Leffingwell's motion, Council Member Shade's second on a 6-0 vote. Council Member Cole was off the dais.**
48. C14-2008-0031 - MLK Jr. Blvd. Station Area Plan - Approve third reading of an ordinance adopting the MLK Jr. Blvd. Station Area Plan and transit oriented development (TOD) district zoning for all properties within the boundaries of the MLK Jr. Blvd. Station Area, generally bounded by Boggy Creek on the north and east; the Northwest and Austin Railroad on the east; East 12th Street on the south; and Ulit Avenue, Miriam Avenue, Alexander Avenue, and Randolph Road on the west, including select properties at the intersections of MLK Jr. Blvd. with Airport Blvd. and Manor Rd. with Airport Blvd. First reading approved on April 10, 2008. Vote: 7-0. Second reading approved on November 6, 2008. Vote: 7-0. Applicant: City of Austin, Neighborhood Planning and Zoning Department. City Staff: Sonya Lopez, 974-7694.  
**This item was postponed to March 12, 2009, at the Council's request, on consent, on Council Member Leffingwell's motion, Council Member Shade's second on a 6-0 vote. Council Member Cole was off the dais.**
49. C14-2008-0031 - MLK Jr. Blvd. Station Area Plan (2900 Manor Road) - Conduct a public hearing and approve third reading of an ordinance adopting the MLK Jr. Blvd. Station Area Plan and transit oriented development (TOD) district zoning for 2900 Manor Road, located within the boundaries of the MLK Jr. Blvd. Station Area, generally bounded by Boggy Creek on the north and east; the Northwest and Austin Railroad on the east; East 12th Street on the south; and Ulit Avenue, Miriam Avenue, Alexander Avenue, and Randolph Road on the west, including select properties at the intersections of MLK Jr. Blvd. with Airport Blvd. and Manor Rd. with Airport Blvd. First reading approved on April 10, 2008. Vote: 7-0. Second reading approved on November 6, 2008. Vote: 7-0. Applicant: City of Austin, Neighborhood Planning and Zoning Department. City Staff: Sonya Lopez, 974-7694. A valid petition has been filed in opposition to this rezoning request.  
**This item was postponed to March 12, 2009, at the Council's request, on consent, on Council Member Leffingwell's motion, Council Member Shade's second on a 6-0 vote. Council Member Cole was off the dais.**
50. NPA-2008-0003.01 - Chestnut Neighborhood Plan Amendment - Approve third reading of an ordinance amending Ordinance No. 990715-113, the Chestnut Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, to include the MLK Jr. Blvd. Station Area Plan and change the land use designation on the future land use map for all properties within the Chestnut Neighborhood Planning Area that overlap the MLK Jr. Blvd. Station Area to transit oriented development (TOD). First reading

approved on April 10, 2008. Vote: 7-0. Second reading approved on November 6, 2008. Vote: 7-0. Applicant: City of Austin, Neighborhood Planning and Zoning Department. City Staff: Sonya Lopez, 974-7694.

**This item was postponed to March 12, 2009, at the Council's request, on consent, on Council Member Leffingwell's motion, Council Member Shade's second on a 6-0 vote. Council Member Cole was off the dais.**

51. NPA-2008-0008.01 - Rosewood Neighborhood Plan Amendment - Approve third reading of an ordinance amending Ordinance No. 011129-67, the Rosewood Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, to include the MLK Jr. Blvd. Station Area Plan and change the land use designation on the future land use map for all properties within the Rosewood Neighborhood Planning Area that overlap the MLK Jr. Blvd. Station Area to transit oriented development (TOD). First reading approved on April 10, 2008. Vote: 7-0. Second reading approved on November 6, 2008. Vote: 7-0. Applicant: City of Austin, Neighborhood Planning and Zoning Department. City Staff: Sonya Lopez, 974-7694.

**This item was postponed to March 12, 2009, at the Council's request, on consent, on Council Member Leffingwell's motion, Council Member Shade's second on a 6-0 vote. Council Member Cole was off the dais.**

52. NPA-2008-0012.01 - Upper Boggy Creek Neighborhood Plan Amendment - Approve third reading of an ordinance amending Ordinance No. 020801-91, the Upper Boggy Creek Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, to include the MLK Jr. Blvd. Station Area Plan and change the land use designation on the future land use map for all properties within the Upper Boggy Creek Neighborhood Planning Area that overlap the MLK Jr. Blvd. Station Area to transit oriented development (TOD). First reading approved on April 10, 2008. Vote: 7-0. Second reading approved on November 6, 2008. Vote: 7-0. Applicant: City of Austin, Neighborhood Planning and Zoning Department. City Staff: Sonya Lopez, 974-7694.

**This item was postponed to March 12, 2009, at the Council's request, on consent, on Council Member Leffingwell's motion, Council Member Shade's second on a 6-0 vote. Council Member Cole was off the dais.**

53. NPA-2008-0015.01 - East MLK Combined Neighborhood Plan Amendment - Approve third reading of an ordinance amending Ordinance No. 021107-Z-11, the East MLK Combined Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, to include the MLK Jr. Blvd. Station Area Plan and change the land use designation on the future land use map for all properties within the MLK Neighborhood Planning Area that overlap the MLK Jr. Blvd. Station Area to transit oriented development (TOD). First reading approved on April 10, 2008, Vote: 7-0. Second reading approved on November 6, 2008. Vote: 7-0. Applicant: City of Austin, Neighborhood Planning and Zoning Department. City Staff: Sonya Lopez, 974-7694.

**This item was postponed to March 12, 2009, at the Council's request, on consent, on Council Member Leffingwell's motion, Council Member Shade's second on a 6-0 vote. Council Member Cole was off the dais.**

### ZONING CONSENT ITEMS

The following zoning items were acted on by one motion. No separate action occurred on any of the items. The public hearings were closed.

54. C14-2008-0229 - Walnut Forest Motel - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 11506 North IH-35 Service

Road Southbound (Walnut Creek Watershed) from general office (GO) district zoning to community commercial-conditional overlay (GR-CO) combining district zoning. Staff Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning. Applicant: Pooja Business, Inc. (Atul Patel). Agent: Land Answers (Jim Wittliff). City Staff: Wendy Rhoades, 974-7719.

**The public hearing was closed and the Ordinance No. 20090212-054 for community commercial-conditional overlay (GR-CO) combining district zoning was approved on consent on Council Member Martinez' motion, Mayor Wynn's second on a 7-0 vote.**

55. C14-2008-0232 - Downstream 973 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning and rezoning property locally known as 3026 South FM 973 Road (Colorado River Watershed) from interim-single-family residence-standard lot (I-SF-2) district zoning and rural residential (RR) district zoning to limited office (LO) district zoning. Staff Recommendation: To grant limited office-conditional overlay (LO-CO) combining district zoning with conditions. Zoning and Platting Commission Recommendation: To grant limited office-conditional overlay (LO-CO) combining district zoning with conditions. Applicant: Downstream 973, L.P. (George H. Kronenberg, III). Agent: Granite Development Services (Keith Parkan). City Staff: Wendy Rhoades, 974-7719.

**The public hearing was closed and the first reading of the ordinance for limited office-conditional overlay (LO-CO) combining district zoning with conditions was approved on consent on Council Member Martinez' motion, Mayor Wynn's second on a 7-0 vote.**

56. C14-2008-0235 - Downstream 973 - Mary Street - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3100 Mary Street (Colorado River Watershed) from interim-single-family residence-standard lot (I-SF-2) district zoning to community commercial (GR) district zoning. Staff Recommendation; To grant neighborhood commercial-conditional overlay (LR-CO) combining district zoning with conditions. Zoning and Platting Commission Recommendation: To grant neighborhood commercial-conditional overlay (LR-CO) combining district zoning with conditions. Applicant: Downstream 973, L.P. (George H. Kronenberg, III). Agent: Granite Development Services (Keith Parkan). City Staff: Wendy Rhoades, 974-7719.

**The public hearing was closed and the first reading of the ordinance for neighborhood commercial-conditional overlay (LR-CO) combining district zoning with conditions was approved on consent on Council Member Martinez' motion, Mayor Wynn's second on a 7-0 vote.**

57. C14-2008-0244 - Najib 0.7 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 3133 East State Highway 71 Westbound (Colorado River Watershed) from interim-single-family residence-standard lot (I-SF-2) district zoning to general commercial services (CS) district zoning. Staff Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning. Applicant: Najib F. Wehbe. Agent: Jim Bennett Consulting (Jim Bennett). City Staff: Wendy Rhoades, 974-7719.

**The public hearing was closed and Ordinance No. 20090212-057 for community commercial-conditional overlay (GR-CO) combining district zoning was approved on consent on Council Member Martinez' motion, Mayor Wynn's second on a 7-0 vote.**

58. C14H-2008-0038 - John Henry Faulk House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1812 Airole Way (Barton Creek Watershed) from family residence (SF-3) district zoning to family residence-historic Landmark (SF-3-H) combining district zoning. Staff recommendation: To grant family residence-historic

landmark (SF-3-H) combining district zoning. Historic Landmark Commission recommendation: To grant family residence-historic landmark (SF-3-H) combining district zoning. Planning Commission recommendation: To grant family residence-historic landmark (SF-3-H) combining district zoning. Applicant: Nikki Addison, owner. City Staff: Steve Sadowsky, 974-6454.

**This item was postponed to March 12, 2009, at the staff's request, on consent, on Council Member Martinez' motion, Mayor Wynn's second on a 7-0 vote.**

59. C14H-2008-0039 - Morrison-Smith House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4615 Caswell Avenue (Waller Creek Watershed) from family residence-neighborhood conservation combining district-neighborhood Plan (SF-3-NCCD-NP) combining district zoning to family residence-historic landmark-neighborhood conservation combining district-neighborhood plan (SF-3-H-NCCD-NP) combining district zoning. Staff recommendation: To grant family residence-historic landmark-neighborhood conservation combining district-neighborhood plan (SF-3-H-NCCD-NP) combining district zoning. Historic Landmark Commission recommendation: To grant family residence-historic landmark-neighborhood conservation combining district-neighborhood Plan (SF-3-H-NCCD-NP) combining district zoning. Planning Commission recommendation: To grant family residence-historic landmark-neighborhood conservation combining district-neighborhood Plan (SF-3-H-NCCD-NP) combining district zoning. Applicants: Vernon and Pamela Pruitt Whittington. City Staff: Steve Sadowsky, 974-6454.  
**The public hearing was closed and Ordinance No. 20090212-059 for family residence-historic landmark-neighborhood conservation combining district-neighborhood Plan (SF-3-H-NCCD-NP) combining district zoning was approved on consent on Council Member Martinez' motion, Mayor Wynn's second on a 7-0 vote.**
61. NPA-2008-0021.01 - 1406 Parker – Town Lake Watershed - Conduct a public hearing and approve an ordinance amending Ordinance No. 20061116-055, the East Riverside-Oltorf Combined Neighborhood Planning Area, an element of the Austin Tomorrow Comprehensive Plan, to change the land use designation on the Future Land Use Map (FLUM) from single-family use to multi-family use for the property located at 1406, 1408, 1504 and 1506 Parker (Boggy Creek Watershed). Staff Recommendation: To approve higher-density-single family use designation. Planning Commission Recommendation: To approve higher-density-single family use designation. Applicant and Agent: Ryan Diepenbrock. City Staff: Jacob Browning, 974-7657.  
**This item was postponed to March 5, 2009, at the owner's request, on consent, on Council Member Martinez' motion, Mayor Wynn's second on a 7-0 vote.**
62. C14-2008-0162 - 1406 Parker - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1406, 1408, 1504 and 1506 Parker Lane (Town Lake Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to multi-family residence-medium density-neighborhood plan (MF-3-NP) combining district zoning. Staff Recommendation: To grant townhouse and condominium residence-conditional overlay-neighborhood plan (SF-6-CO-NP) combining district zoning. Planning Commission Recommendation: To grant townhouse and condominium residence-conditional overlay-neighborhood plan (SF-6-CO-NP) combining district zoning. Applicant and Agent: Ryan Diepenbrock. City Staff: Joi Harden, 974-2122. A valid petition has been filed in opposition to this rezoning request.  
**This item was postponed to March 5, 2009, at the owner's request, on consent, on Council Member Martinez' motion, Mayor Wynn's second on a 7-0 vote.**
63. C814-06-0233 - Wildflower Commons Planned Unit Development - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4700-5200 Block of SH 45 (Bear Creek Watershed; Slaughter Creek Watershed - Barton Springs Zone) from single-family residence-standard lot (SF-2) district zoning and general office (GO)

district zoning to planned unit development (PUD) district zoning. The Land in the PUD is within the area known as the Barton Springs Zone in which the City's Save Our Springs (SOS) ordinance applies. Application of City ordinances to development of the land is affected by the "Settlement Agreement By and Between the City of Austin and the Bradley Parties" (commonly known as the Bradley Agreement) that ended litigation over development of the land in 2000. PUD zoning may also modify City ordinances applicable to development of the land. Staff Recommendation: To grant planned unit development (PUD) district zoning with conditions. Zoning and Platting Commission Recommendation: To grant planned unit development (PUD) district zoning with conditions. Applicant: Wildflower Commons, I, L.P. and Wildflower Commons II, L.P. (William S. Walters, III). Agent: Drenner & Golden Stuart Wolff L.L.P (Michele C. Haussmann). City Staff: Wendy Rhoades, 974-7719.

This item was postponed to August 20, 2009, at the Council's request, on consent, on Council Member Martinez' motion, Mayor Wynn's second on a 6-1 vote. Council Member Morrison voted nay. Direction was given to staff to:

- allow the applicant to make modifications to the PUD request to meet the substantive requirements of the current PUD ordinance before coming back to Council for action;
- work on issues related to the build out of the site per the Bradley agreement;
- provide Council with comparative number of traffic trips between the potential build out and proposed PUD;
- compare the estimated vehicle miles traveled for the traffic trips under the current entitlements and the PUD being requested;
- provide information to Council and the public before the item comes back to Council including the evaluation of the PUD proposal to determine if there are improved water quality or other benefits to the Edwards Aquifer Recharge Zone compared to a plan that complies with the current zoning and the Bradley agreement.

64. C14-2008-0204 - R. I. T. Inc. - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 6516 and 6520 South 1st Street (Williamson Creek Watershed) from limited office (LO) district zoning to community commercial (GR) district zoning. Staff Recommendation: To deny community commercial (GR) district zoning. Zoning and Platting Commission Recommendation: To deny community commercial (GR) district zoning. Applicant and Agent: R. I. T. Inc. (Roberto J. Reyna). City Staff: Wendy Rhoades, 974-7719.

This item was postponed to March 26, 2009, at the applicant's request, on consent, on Council Member Martinez' motion, Mayor Wynn's second on a 7-0 vote.

65. C14-2007-0262 (Part) - Central Austin Combined Neighborhood Planning Area Vertical Mixed Use Building (V) Zoning Opt-in/Opt-Out Process - Conduct a public hearing and approve on first reading an ordinance amending Chapter 25-2 of the Austin City Code by applying Vertical Mixed Use Building (V) zoning regulations on Tract 10, located at 711 W. 38th Street. The Central Austin Combined Neighborhood Planning Area is bounded by 45th Street on the north, IH-35 on the east, Martin Luther King, Jr. Boulevard on the south, excluding the University of Texas at Austin campus, and Lamar Boulevard and 45th Street on the west (Shoal Creek, Waller Creek watersheds). Regulations governing Vertical Mixed Use Building dimensional standards; allowable uses for a Vertical Mixed Use Building in office base district zoning; relaxed parking standards for commercial uses in a Vertical Mixed Use Building; and affordability requirements for Vertical Mixed Use Building developments will be considered for adoption. The Austin City Council may consider adopting all or some of these regulations, or amending the Vertical Mixed Use (VMU) overlay district to exclude Tract 10 within the Central Austin Combined Neighborhood Planning Area from the overlay district. Planning Commission Recommendation: To grant vertical mixed use building (V) district zoning with Dimensional Standards on the GR-CO-NP portion of Tract 10. Vote: 7-0. Applicant and Agent: Neighborhood Planning and Zoning Department. City Staff: Minal Bhakta, 974-6453.

**This item was postponed to February 26, 2009, at the neighborhood's request, on consent, on Council Member Martinez' motion, Mayor Wynn's second on a 7-0 vote.**

66. NPA-2008-0015.03 - Precinct 1 New Office Building - Conduct a public hearing and approve an ordinance amending Ordinance No.021107-Z11, the East MLK Combined Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, to change the land use designation on the Future Land Use Map (FLUM) from mixed use designation to civic use designation for the property located at 1811 Springdale Road and 4705 Heflin Lane (Fort Branch Watershed). Staff Recommendation: To approve civic use designation. Planning Commission Recommendation: To approve civic use designation. Applicant and Agent: Travis County Facilities Management Department. City Staff: Paul DiGiuseppe, 974-2865.

**This item was postponed to April 2, 2009, at the staff's request, on consent, on Council Member Martinez' motion, Mayor Wynn's second on a 7-0 vote.**

67. C14-2008-0174 - Precinct 1 New Office Building - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1811 Springdale Road and 4705 Heflin Lane (Fort Branch Watershed) from community commercial-neighborhood plan (GR-NP) combining district zoning and limited office-neighborhood plan (LO-NP) combining district zoning to public-neighborhood plan (P-NP) combining district zoning. Staff Recommendation: To grant public-conditional overlay-neighborhood plan (P-CO-NP) combining district zoning. Planning Commission Recommendation: To grant public-conditional overlay-neighborhood plan (P-CO-NP) combining district zoning. Applicant and Agent: Travis County Facilities Management Department. City Staff: Joi Harden, 974-2122.

**This item was postponed to April 2, 2009, at the staff's request, on consent, on Council Member Martinez' motion, Mayor Wynn's second on a 7-0 vote.**

68. C14-2008-0214 - Tex-Tar Waterproofing - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 11600 N. IH-35 SVRD Southbound (Walnut Creek Watershed) from neighborhood commercial (LR) district zoning to general commercial services-conditional overlay (CS-CO) combining district zoning. Staff Recommendation: To deny general commercial services-conditional overlay (CS-CO) combining district zoning. Zoning and Platting Commission Recommendation: To deny limited industrial service-conditional overlay (LI-CO) combining district zoning. Applicant: Richard Johnson. Agent: Jackson Walker L.L.P. (Katherine Loayza). City Staff: Joi Harden, 974-2122.

**This item was postponed to February 26, 2009, at the neighborhood's request, on consent, on Council Member Martinez' motion, Mayor Wynn's second on a 7-0 vote.**

69. C814-97-0001.07 - Leander Rehabilitation - PUD Amendment #8 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as RM 620 (Lake Creek Watershed) from planned unit development (PUD) district zoning to planned unit development (PUD) district zoning to change a condition of zoning. Staff Recommendation: To grant planned unit development (PUD) district zoning to change a condition of zoning with conditions. Planning Commission Recommendation: To be reviewed on February 10, 2009. Applicant: SV ONA Lakeline Office Ltd.; Sonmar of Phoenix, LLC. Agent: McLean & Howard (Jeff Howard). City Staff: Jerry Rusthoven, 974-3207.

**The public hearing was closed and the first reading of the ordinance for planned unit development (PUD) district zoning to change a condition of zoning was approved on consent on Council Member Martinez' motion, Mayor Wynn's second on a 7-0 vote.**

#### PUBLIC HEARINGS AND POSSIBLE ACTION

72. Conduct a public hearing and consider an appeal by Ruben Rodriguez of the Planning Commission's decision to deny an appeal of an administrative disapproval of a site plan (328 Heartwood, SP-2008-0091D) for fill over 4 feet and construction of a retaining wall within the Critical Water Quality Zone of Williamson Creek. August 13, 2007: Board of Adjustment denied variance for a retaining wall and fence greater than 6 feet in height. September 10, 2008: Environmental Board recommended approval of the environmental variances. September 23, 2008: Planning Commission approved staff's recommendation to deny environmental variances. October 28, 2008: Planning Commission approved staff's recommendation to deny an appeal of administrative disapproval of a site plan. Related to Item #33 & 73.  
**This item was postponed to April 23, 2009 on Mayor Pro Tem McCracken's motion, Council Member Morrison's second on a 7-0 vote.**
73. Conduct a public hearing and consider an ordinance for floodplain variances requested by Mr. Aaron Googins, P.E., of King Engineering, Inc., on behalf of Mr. Ruben Rodriguez to retroactively allow the placement of fill and the construction of a retaining wall in the rear yard of the single-family residence at 328 Heartwood Drive in both the 25-year and 100-year floodplains of Williamson Creek. August 13, 2007: Board of Adjustment denied variance for a retaining wall and fence greater than 6 feet in height. September 10, 2008: Environmental Board recommended approval of the environmental variances. September 23, 2008: Planning Commission approved staff's recommendation to deny environmental variances. October 28, 2008: Planning Commission approved staff's recommendation to deny an appeal of administrative disapproval of a site plan. Related to Item #33 & 72.  
**This item was postponed to April 23, 2009 on Mayor Pro Tem McCracken's motion, Council Member Morrison's second on a 7-0 vote.**

#### ZONING DISCUSSION ITEM

60. C14-2008-0217 - Peaceful Hill Lane - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 8524 Peaceful Hill Lane (Onion Creek Watershed) from single-family residence-standard lot (SF-2) district zoning to general commercial services (CS) district zoning. Staff Recommendation: To grant limited office (LO) district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning with conditions. Applicant: Randall L. Smitheal Family Trust (Amanda Tatum/Jeremy Smitheal). Agent: McLean & Howard L.L.P. (Jeffrey S. Howard). City Staff: Wendy Rhoades, 974-7719.  
**The public hearing was closed and the first reading of the ordinance for warehouse/limited office-conditional overlay (W/LO-CO) combining district zoning with conditions was approved on consent on Mayor Pro Tem McCracken's motion, Council Member Cole's second on a 7-0 vote. The conditional overlay will limit building maintenance services use as the only W/LO district use and allow other LO district uses and include a 300 vehicle trip limitation. Additional prohibited uses are: club or lodge; college and university facilities; communication services; communication service facilities; community events; community recreation (public and private); and congregate living. The public restrictive covenant would limit hours of operation and construction and prohibit exterior loud speakers and lighting.**

#### BRIEFINGS CONTINUED

39. New Comprehensive Plan Finalist Presentations: HNTB Corporation, ACP Visioning + Planning, Wallace Roberts & Todd, LLC  
**The presentation was made by Greg Guernsey, Director of Neighborhood Planning and Zoning Department; Mike Trimble, Director of Contract and Land Management Department; HNTB Corporation: David A. Wenzel and Philip Hanegraaf; ACP Visioning + Planning: Gianni Longo,**

Jamie Greene, Beverly Silas, Ben Herman, Tom Moriarity, and Sean Compton; and Wallace Roberts & Todd, LLC: John Fernsler and David Rouse.

**PUBLIC HEARINGS AND POSSIBLE ACTION CONTINUED**

70. Conduct a public hearing and consider an ordinance amending Chapter 25-2 of the City Code (Transit Oriented Development) related to compatibility standards and affordability requirements, and to eliminate a height prohibition in the Plaza Saltillo TOD; and other conforming amendments necessary to reflect adoption of transit oriented development (TOD) base district zoning and station area plans. Recommended by Planning Commission.

The public hearing was closed and Ordinance No. 20090212-070 with the following amendments was approved on Mayor Pro Tem McCracken's motion, Council Member Morrison's second on a 7-0 vote. The amendments to the Transit Oriented Development (TOD) Ordinance were:

1. Removing the provision in Section 25-2-1052.F which states that compatibility standards are not triggered by single family properties inside a TOD District once a Station Area Plan is approved (all TODs).
2. Removing the provisions in Section 25-2-766.22.C.8(b) that prohibit a height increase (through a height bonus) on properties in the Community Preservation and Revitalization zone (CP&R) unless 25% affordability is provided. This is necessary to allow the height bonus strategy in the MLK and Plaza Saltillo Station Area Plans where the developer is required to provide 15% affordability with the City financing the gap, if able, to reach the 25% goal.
3. Removing the provision in Section 25-2-766.22.C.9 that prohibits a height increase (through a height bonus) on properties in the Plaza Saltillo TOD outside of the 11-acre Capital Metro property. This is necessary to allow the height bonus strategy in the Plaza Saltillo Station Area Plan, which proposes a height bonus on the 11-acre Capital Metro property and a select number of other properties around the station.

The motion to waive the rules and allow Council to meet after 10 p.m. was approved on Mayor Pro Tem McCracken's motion, Council Member Shade's second on a 7-0 vote.

71. Conduct a public hearing and consider an appeal by AJHSCCM LP, represented by Andy Martin, of the Zoning and Platting Commission's decision to approve an environmental variance, to allow construction of buildings on a slope with a gradient of greater than 25% on property located at 9716 FM 2222, Austin, TX, associated with Site Plan SP-06-0411(C)(R1). Approval of this environmental variance was recommended by the Environmental Board on August 18, 2008 and recommended by the Zoning and Platting Commission on November 18, 2008.

The motion to deny the appeal based on lack of standing was approved on Council Member Cole's motion, Mayor Pro Tem McCracken's second on a 7-0 vote. No public hearing was required.

Mayor Wynn adjourned the meeting at 10:19 p.m. without objection.

The minutes for the Regular meeting of February 12, 2009 were approved on this the 26th day of February 2009 on Council Member Cole's motion, Council Member Morrison's second on a 7-0 vote.